

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON, DC 20554**

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Calvary Chapel of McMinnville Inc.  
1825 NW 2<sup>nd</sup> Street  
McMinnville, OR 97128

Re: KKJC-LP, McMinnville, OR  
Facility I.D. No.: 135679  
Calvary Chapel of McMinnville Inc.  
BPL-20080219ATZ

Dear Applicant:

This refers to: (1) the above-captioned minor change application to modify operation to 228L1 and (2) the April 11, 2008 response to show cause order from Salem Media of Oregon, Inc. ("Salem"), licensee of KPDQ-FM, Portland, OR.

On February 2, 2008, Calvary Chapel of McMinnville, Inc. ("Calvary") filed a minor change application proposing to operate on Channel 228 and create a second-adjacent channel short-spacing to KPDQ pursuant to the second adjacent channel waiver procedures adopted by the Commission in its Third Report and Order in *Creation of a Low Power Radio Service*.<sup>1</sup> By staff letter dated March 12, 2008, Salem was directed to show cause why the modification of KKJC-LP to operate on Channel 228 and allow a second-adjacent channel short-spacing to KPDQ is not in the public interest.

On April 11, 2008, Salem filed a Response to Order to Show Cause. Salem states that Calvary's proposal would create an interference area to KPDQ where there is at least one occupied structure. Salem also claims that the area around the tower site has other occupied structures and that the antenna is located 550 feet northeast of the claimed location at a different set of coordinates.

On October 20, 2008, Calvary filed an amendment to correct the coordinates of the antenna to coincide with the existing licensed and proposed location.

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<sup>1</sup> *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 21912, 21939-40 (2007).

The *Third Report and Order* clearly identifies criteria which govern our evaluation of whether the grant of a Section 73.807 waiver request would be in the public interest. It therefore follows that an impacted licensee can challenge whether an LPFM station's proposal has met any or all of these requirements, each of which are discussed in more detail below.

As a threshold matter, an LPFM station will only be eligible for a Section 73.807 waiver grant if it can demonstrate that a full-service proposal would result in: (1) the full-service and LPFM station operating at less than the minimum distance separations set forth in Section 73.807 of the Rules; and (2) increased interference to, or displacement of, the LPFM station. In addition, the LPFM licensee must demonstrate that no alternate, fully-spaced, and Rule-compliant channel is available.<sup>2</sup>

If the LPFM station has satisfied these eligibility requirements, we next consider issues relating to: (1) the potential for new interference to the impacted full-service station, and (2) steps the LPFM station has taken to minimize such interference. As noted in the *Third Report and Order*, the Commission must balance the potential for new interference to the full-service station against the potential loss of the LPFM station.<sup>3</sup> In doing so, we must take into consideration both the geographic size of the area of predicted interference and its population density. Based on desired-to-undesired ("D/U") signal strength calculations, interference in most cases "would be predicted to extend from ten to two hundred meters from the LPFM station antenna."<sup>4</sup> While consideration of the number of listeners potentially subject to interference is crucial to our public interest analysis, we emphasize that the standard is not the same as the FM translator test set forth in Section 74.1203(d) of the Rules.<sup>5</sup> In other words, a waiver will not be denied if the impacted licensee can show predicted interference to a single listener. Rather, we consider the overall potential impact on full-service station listeners against the potential displacement of the LPFM station.

The *Third Report and Order* also directs the Bureau to consider whether the LPFM station has made facility siting decisions to mitigate to the greatest extent possible the potential for interference.<sup>6</sup> In this regard, we take into account both tower height and tower location. For example, we would be less inclined to grant a waiver request if an impacted licensee could demonstrate that the LPFM station has not proposed a maximum possible antenna height above average terrain or has selected a transmitter site in a densely populated area, where other less populated areas would be viable.

We have considered all arguments presented by Salem and have tentatively concluded that the KKJC-LP application meets the requirements of the Second-Adjacent Channel Waiver Standard and is otherwise acceptable for filing. An engineering analysis has determined that there are no

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 21939.

<sup>4</sup> *Id.*

<sup>5</sup> See 47 C.F.R. § 74.1203(d). See also *Living Way Ministries*, Memorandum Opinion and Order, 17 FCC Rcd 17054 (2002) (petition for reconsideration pending).

<sup>6</sup> *Third Report and Order*, 22 FCC Rcd at 21939.

alternate, fully spaced, and rule compliant channels available. In evaluating whether the public interest would be served by grant of a waiver of Section 73.807, the Commission must balance the potential for new interference to the full service station against the potential loss of an LPFM station. Based on desired-to-undesired ("D/U") signal strength ratio calculations, interference is predicted to extend 249 meters from KKJC-LP's site. This predicted interference area is not located near densely populated areas.

In accordance with these procedures adopted by the Commission, this letter constitutes approval to operate under special temporary authority ("STA") with the following facilities:

Geographic coordinates:	45° 09' 44" N, 123° 09' 09" W (NAD 1927)
Channel	228 (97.9 MHz)
Effective radiated power:	0.100 kilowatt (H&V)
Antenna height:	
above ground:	29 meters
above mean sea level:	79 meters
Above average terrain:	17 meters

Application BPL-20080219ATZ will be retained in pending status and the request for STA IS HEREBY GRANTED. STAs issued pursuant to these procedures will be subject to any action taken by the Commission in the *Second Further Notice*. The Commission will withhold final determination of the waiver request until action on the *Second Further Notice* proposals.

KKJC-LP must notify the Commission when STA operation has commenced. KKJC-LP must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

This authority expires on **January 2, 2010**.

Sincerely,



Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

cc: James P. Riley  
Salem Media of Oregon, Inc.